



Lamoine Board of Selectmen

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MINUTES OF MAY 15, 2008

Chairman Jo Cooper called the meeting to order at 6:36 PM.

Present were: Selectmen Richard Fennelly Jr., Chris Tadema-Wielandt, S. Josephine Cooper, Cynthia Donaldson, Town Clerk Jennifer Kovacs, Administrative Assistant Stu Marckoon (arrived 6:40 PM)

Executive Session – Jo moved to go into executive session pursuant to 1 MRSA § 405 (6) (a) for the purposes of conducting a job performance review with Town Clerk/Tax Collector Jennifer Kovacs. Chris 2nd. **Vote in favor was 4-0 at 6:37 PM.** Out at 6:55 PM.

Regular Meeting – 7PM

Additional attendees were Roger Picard (Pavement Management Services, LLC), Deputy CEO Michael Jordan, Assistant Town Clerk/Tax Collector Kathleen DeFusco, Lily Cooper and Harbor Master David Herrick.

Jo called the meeting to order at 7:00 PM. The meeting was televised live on Cable TV Channel 7, but due to an operator error, it was not recorded.

Agenda Review – No changes were proposed

Minutes of May 1, 2008 – Stu noted a few minor corrections were submitted by Chris and those have been made. Richard had one other minor correction. Chris moved to approve the minutes as corrected. Richard 2nd. **Vote in favor was 5-0.**

Expenditure warrant 23 – Selectmen signed Warrant 23 for \$276,902.85. Stu noted that most of the warrant was for school expenditures. He said a \$70,000+ expenditure for the school renovation project will not be released until the money is received from the Maine Municipal Bond Bank. He also reported that he moved \$200,000 from the investment management account to cover the checks. Chris asked about the cost of the Adopt-A-Highway signs. Stu noted that several street name signs were included with the bill.

Cash & Budget Report – Richard asked if the overage on the major road budget line had to do with the price of asphalt. Stu said it did. Chris asked why the fire truck payment is only 7% of the budget. Stu said it's because the payment is not due until August. He said it would show 100% and a payable at year's end.

Checking Account Review – Selectmen signed the statement expressing satisfaction with the review of the checking account reconciliation. Richard asked if the check to the East Lamoine Cemetery Association had been recut. Stu said that it had.

30-day Notices – Selectmen asked if the number of notices sent out was similar to past years. Stu said he believed it was and there were no surprises.

Meeting with Pavement Management Services – Jo said that several questions were raised at the previous Selectmen's meeting by Tim Ring, and thanked Roger Picard for coming to meet with them. Mr. Picard said he wasn't sure where the town stood in regard to the contract. Jo said she believed that the Board was reluctant to renege on a signed contract, but at the same time they are responsible to the town to get the best price possible. She said the Board wanted to explore its options.

Mr. Picard said he researched the price being offered by Mr. Ring. He said when Mr. Ring gave his quote; his price for hot top from Lane Construction was \$61.40/ton. He said that left him about \$13/ton to haul the mix, place it, pay the crew, flaggers, and for sweeping. Mr. Picard said he was not sure if Mr. Ring included a bond in the price. Mr. Picard said in June the price to Mr. Ring will go up to more than \$66/ton.

Chris said the larger question he had was whether the bid was structured so that it was limited to only one contractor. Mr. Picard said they've had six different contractors win the bid since the program started. He said they usually have 2-3 contractors a year bid on the job. He said it is difficult for a small contractor to do all the towns in the package. He said he believed Mr. Ring was making an offer to Lamoine, Hancock and Sullivan.

Richard asked whether the towns that are closer to the paving plant end up subsidizing those that are further away. Mr. Picard said it works out that way some times. He said in the beginning of the program towns that had been paying anywhere from \$36 to \$55/ton ended up paying \$18/ton. He estimated that over the years, his program has saved \$18-million dollars by grouping the paving bids together. Richard asked if the bid could be broken up into a smaller geographic area. Mr. Picard said he did that for a while. He said this year towns thought they might get a better price by grouping it as one large bid and allowing for portable plants.

Richard asked if the purpose of the program was to provide buying power through volume and managing the application of the paving. Mr. Picard said that

was correct. He said that this year Vaughn Thibodeau did not submit a bid because their portable paving plant was inoperable.

Richard said it sounded like there was an opportunity to get the roads paved at a reduced price, but the town doesn't want to break the contract. He asked if there was a way to meld the two structures together. Mr. Picard said he'd never run across this problem. He said the larger contractors have the equipment to perform the work over a large area. He said he didn't think that he could break it up so much that it probably wouldn't work because the volume gets smaller.

Jo asked if Mr. Picard had any predictions on the cost of paving. Mr. Picard said a big contractor has to anticipate costs ahead and the economy is very volatile. He said the cost of asphalt has increased the cost of hot top in recent weeks by \$8 to \$9/ton.

Richard asked if the contract price was fixed. Mr. Picard said it was for the paving season. He explained how the program's testing component worked. Jo said there had been some quality issues raised. Brett said the contract with PMS is a pretty simple document. He asked how the town knows it's getting the quality it expects. Chris said that was the purpose of hiring Mr. Picard. Brett asked if Mr. Picard provides a document once the project is done showing the job was up to specification. Mr. Picard said he hasn't but he could.

Jo asked what Mr. Picard predicted for next year. Mr. Picard said the price of oil regulates the market, and he has no idea. He said it's difficult coming up with a program that everyone would agree to. He said with his service the town gets quality control, inspection at the site and at the plant, and the contractor is bonded.

Chris asked about the possible alternative materials to use for paving. Mr. Picard said it's unlikely that other materials would be used. There was a short discussion of using tar or concrete.

Richard asked for how long the PMS price is fixed. Mr. Picard said until Lane is done with the paving. Richard said the town has to be concerned because if the product cost goes up, the town could end up in the negative numbers. He said the town needs to watch to make sure Lane delivers what they say they will. Mr. Picard said the large companies have a lot at stake – their reputation is on the line. Jo said she appreciated Mr. Picard's attendance.

Stu reported he'd received a phone call earlier in the week from Mr. Ring advising that the town should go ahead and use Mr. Picard. He said he wasn't sure of the motivation for the call.

Mr. Picard said costs are skyrocketing. A short discussion followed about the future of oil prices and following up on the quality of the job. Chris asked if the town was paying more than it might if it had hired local people. Mr. Picard said that was probably true. He said Mr. Ring is looking for work, and he does an excellent job, but most of his work has been private – driveways and parking lots. He said people can't afford paving this year. He said he doesn't blame Mr. Ring – a program like this is difficult to get into because of the size of the company.

Communications from Robert Sharkey – Administrative Assistant's Job Description – Brett said the semantics of Mr. Sharkey's arguments seem kind of silly. Jo said the job description as written isn't the most accurate available. Cynthia said words are important and the reference to town manager implies a certain kind of government. Brett said he doesn't have any problem changing the document. Jo said if a change is made, it should be done so in consultation with the person who holds the position. Brett said a review should be done of what the Administrative Assistant does, and make the job description fit that. Cynthia said she's suggested that all job descriptions be reviewed and then hasn't followed through on that. Jo said a review is an excellent idea. Richard said he wasn't hung up at all with the job description the way it was, but the words "in essence, the town Manager of Lamoine" could be dropped. Jo asked if that was OK with Stu. Stu said it was – he noted that the job description was something he inherited in 1993.

Brett moved to strike the words as suggested by Richard. Jo 2nd. **Vote in favor was 5-0.** Jo said she would like to see a job description review on a future agenda. Brett said accurately describing the job is very important.

Jo said a procedures manual would be very helpful. Richard said he wondered if a document containing passwords and security data would be subject to the Freedom of Access law.

Cynthia noted that the town clerk's job description as presently written says the job is elected. She said her point is to look at all the job descriptions.

Chris said in reference to Mr. Sharkey's communication with the Board, the easy way for him to seek justice would be to talk with the Selectmen. He said the assertion that the Administrative Assistant is merely a secretary to the board means the Selectmen are getting a lot more for their money. Jo said Mr. Sharkey's communications are not doing the town a service. Richard said references to the Administrative Assistant berating people based on what he's been told are only hearsay and probably not accurate.

Freedom of Access – Stu said he placed an e-mail thread from Mr. Sharkey in the Selectmen's packet.

Job Opening Ads – Transfer Station Attendant – Richard said there ought to be some reference to snow removal requirements of the job. Selectmen asked that the ad clarify that the operations manual is available at the town office.

Animal Control Officer – Selectmen asked that qualifications for the position be spelled out and include:

- The ability to read and write
- Must be over 18-years old
- Must be able to be certified within one year of appointment
- Must hold a valid Maine driver's license
- Must have reliable transportation
- Must file periodic written reports

There was a short discussion about forms of identification.

Job Application – Selectmen offered no changes to a proposed job application. Stu said he downloaded it from the State of Washington. Cynthia noted it did not have any space for references.

Stu said he would advertise the jobs in the Ellsworth American, on the town's website, and on town bulletin boards.

Special Town Meeting – May 21, 2008 – Stu said the warrant signed last meeting set the validation referendum polling hours from 10AM to 7PM instead of 8PM due to a typo. Jo said she was concerned by that as people expect the polls to be open until 8PM. She asked if the polling hours could be extended. There was a short discussion. Stu said he could check with MMA Legal.

Jo moved to extend the polling hours until 8PM on May 27, 2008 if it is possible. Chris 2nd. **Vote in favor was 5-0.** *(post meeting note: MMA Legal advised to sign and post a corrected warrant no later than May 20, 2008. Selectmen individually signed the revised warrant).*

Commendation Certificates – Selectmen signed certificates of commendation for the following honor graduates:

- Rebecca Anderson, Ellsworth High School
- Amelia Gillett, Mt. Desert Island High School
- Heather Leighton, Mt. Desert Island High School
- Sarah Marckoon, Ellsworth High School
- Jennifer Richter, Ellsworth High School

Selectmen also signed a proclamation declaring June 6, 2008 as Val Perkins Day in honor of the retiring principal at the Lamoine Consolidated School.

Contaminated Sites – Stu reported he provided the Selectmen with a spreadsheet from the Hancock County Planning Commission giving a generic identification of contaminated sites in Lamoine. There were no specifics.

Speed Trailer – Stu said he's had e-mail correspondence with the town manager of Holden and they were interested in possibly leasing the speed monitor trailer. Chris said he'd be willing to pick it up. There were concerns expressed about potential for vandalism depending on where the display was placed. Stu said the person he e-mailed had just gone on sick leave, but the former town manager is filling in, and he would contact him to follow up.

Veterans Memorial Update – Stu said the dedication is now planned for September 13, 2008 at 10AM. Jo said she would like to see a way to involve the Boy Scouts. She reported that work is moving forward toward putting the memorial in place.

School Consolidation – Cynthia reported that the Union 92 towns got back together last Friday Night. She said she and Kathleen Rybarz were at the meeting representing Lamoine. She said there didn't seem to be much interest from Union 92 towns in becoming part of a larger Regional School Unit (RSU). She said there is interest in exploring an alternative organizational structure (AOS) and the possibility of sharing existing system resources with other AOS/RSU's emerging in this process. She listed various sharing opportunities.

Stu reported the Skip Greenlaw petition to put repeal of consolidation before voters is alive and well and there is a push to finish collecting signatures at the June 10th primary.

Appeals Board – Petition Referendum – Stu reported that Mr. Sharkey has filed an appeal with the Board of Appeals to ask that they rule on the Selectmen's rejection of the petition asking for an ordinance to vote by secret ballot referendum on all town meeting matters. He said he drafted a memo to the Board of Appeals in regard to jurisdiction if the Selectmen were interested in making such a communication. Selectmen said they felt the Appeals Board could probably figure that out, and did not desire to sign or send the memo. Chris asked who the chair of the Appeals Board was. Stu said Griff Fenton. Chris noted the appeal was addressed to Jay Fowler.

Request for Tax Refund – Joseph St. Pierre – Stu said he drafted a letter to invite the St. Pierre's to the next meeting. Jo signed the letter.

Gott right of way – Stu said Steve Salsbury would meet with the Board on June 26th. Chris said that was indicative of how the Board has been treated in this matter.

Healthy Acadia Board – Jo said she was representing the town on the Board of Healthy Acadia. She explained what the program provides in terms of prevention programs.

Water Tests – Stu reported he put the sample results in a spreadsheet and has mailed them to the homeowners. He said there was no significant difference from past years.

Dog Bite – Stu reported that a dog at the Birch Haven Trailer Park bit a neighbor. The dog was not licensed and there was no proof of rabies shot. He said animal control officer Mike Arsenault is dealing with the matter – the dog has been quarantined at the Small Animal Clinic in Ellsworth, and the owners apparently want the dog put down. Chris asked what the ramifications are for an unlicensed dog. Stu said the owners could be issued a summons for allowing the dog to be at large and for keeping an unregistered dog. There was a brief discussion on what the town's responsibility is for protecting the public from unlicensed dogs.

Other Business – Selectmen discussed whether Bradford Auto Sales has marked their setback boundary, and the traffic backups from construction in Ellsworth.

Town Hall Renovations – Selectmen conducted an extensive review of the printed plan for renovations. Brett urged consideration of pre-built cabinetry. Selectmen said they don't want to put a window in the back room if it's not required for egress. The door to the back room should open out instead of in. A new fire alarm system was explained and discussed. There was a lengthy discussion about flooring, and it was agreed that a commercial grade, "floating" wood type flooring was preferred. A telephone system generated discussion. A phone system proposal e-mailed by CTC communications was determined to be too costly. Selectmen suggested Stu check with Time Warner for prices on cable phone service and possibly adding a dedicated fax line.

It was agreed that with a few minor changes the project should be put out to bid ASAP.

Next Meeting – The May 29th meeting will start at 6:30 PM with an executive session to do a job performance review. Meetings are also scheduled for Jun3

12, June 26, July 17 and August 14. Cynthia said she would have a conflict on August 14th and would like to revisit that date later.

There being no further business, the meeting adjourned at 9:05 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.

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